

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SW/S Right Elevator Drive, 101'W *
of the c/l of Fuselage Avenue * DEPUTY ZONING COMMISSIONER
(5 Right Elevator Drive) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Case No. 98-388-A
William Davidson *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, William Davidson. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (1956) to permit a side yard setback of 3 feet in lieu of the required 8 feet for a proposed 10' x 24' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

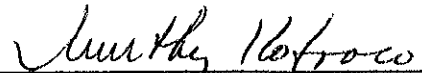
Date

By

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (1956) to permit a side yard setback of 3 feet in lieu of the required 8 feet for a proposed 10' x 24' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
5/14/98
bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 14, 1998

Mr. William Davidson
5 Right Elevator Drive
Middle River, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SW/S Right Elevator Drive, 101'W of the c/l of Fuselage Avenue
(5 Right Elevator Drive)
15th Election District - 5th Councilmanic District
William Davidson - Petitioner
Case No. 98-388-A

Dear Mr. Davidson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5 Right Elevator Dr. Middle River MD 21220

which is presently zoned

DR.55

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1002.3.B; BCZR (1956), To
PERMIT A side yard setback of 3ft in lieu of the
Required 8ft. for an Addition

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

OWNER is 73yo AND WANTS A 10x24 ADDITION ON FIRST FLOOR of
HOUSE TO MAKE MOBILITY EASIER THAN CLIMBING STAIRS, building
A ONE STORY ADDITION on side of house AND THIS only leave's 3" To property
LINE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

(Type or Print Name)

Address

Phone No.

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JAM

DATE: 4-16-98

ESTIMATED POSTING DATE: 4-26-98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 388

98-388-A

ORDER RECEIVED FOR FILING

Date: 5/14/98

By: [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 5 Right Elevator
address

Middle River Md. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Building a one story addition on side of house 10' x 24'
leaving 3' to property line to pass through owner is a
73yo and wants an addition on first floor of house
to make mobility easier than climbing stairs

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Davidson
(signature)

William Davidson
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Davidson

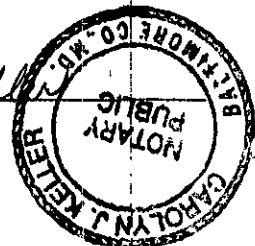
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/13/98
date

Carolyn J. Keller
NOTARY PUBLIC

My Commission Expires: 7/1/2001



A-88E-AP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 5 Right Elevator
address
Middle River Md. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Building a one story addition on side of house 10'x24'
leaving 3' to property line to pass through owner's
73x0 and wants an addition on first floor of house to
make mobility easier than climbing stairs.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(X)
(signature)
William Davidson
(type or print name)



G. Allen Turner
(signature)
WILLIAM DAVIDSON
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Davidson

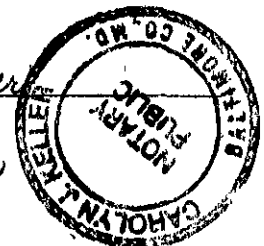
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/13/98
date

Coralyn J. Keller
NOTARY PUBLIC

My Commission Expires: 1/1/2001



A-785-79



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5 Right Elevator Dr. Middle River MD 21080
which is presently zoned DN.S.S.

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3 B; BC2R (1956), To.

PERMIT A signed set back of 3ft. in lieu of the
Required 8ft. for an Addition
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

OWNER is 73yo and wants a 10x24 addition on first floor of house to make mobility easier than climbing stairs. Building a one story addition on side of house and this only leaves 3' to property line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City State Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: DM

DATE: 4-16-98

ESTIMATED POSTING DATE: 4-26-98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 388

98-388-A

Zoning Description for 5 Right Elevator Dr.

Beginning at a point on the southwest side of
Right Elevator Dr. which is 41' wide at the
distance of 101' ft. west of the center line
of the nearest improved intersecting street of
Fuselage Ave. which is 32' ft. wide.

Being Lot # 3 Block --, Section D in the
subdivision of Victory Villa as recorded in
Baker County Plat Book 82 Folio # 97.

Containing 5700 sq ft. Also known as #5 Right
Elevator Dr. and located in the 15th Election
District, 5th Councilmanic District

98-388-A

No. 3154

DATE 7-16-78 ACCOUNT F-001 F150

AMOUNT \$ 500.00

RECEIVED FROM: DAVIDSON THOMAS DAVIDSON 1947 LIBRARY

FOR: _____

YELLOW - CUSTOMER

PG 0003 CASHIER UNIT VIM TROOP 5
5 HIGHLANDER CAMP REEF PT
RD DIST R 043092 0111
CR NO. 053154

Baltimore County, Maryland 50.00 CHECK

98-388-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 98-388-A
Petitioner/Developer:
(William Davidson)
Date of Hearing/Closing:
(May 11, 1998)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

5 Right Elevator Drive Baltimore, Maryland 21220 _____

The sign(s) were posted on _____ Apr. 24, 1998 _____
(Month, Day, Year)

Sincerely,

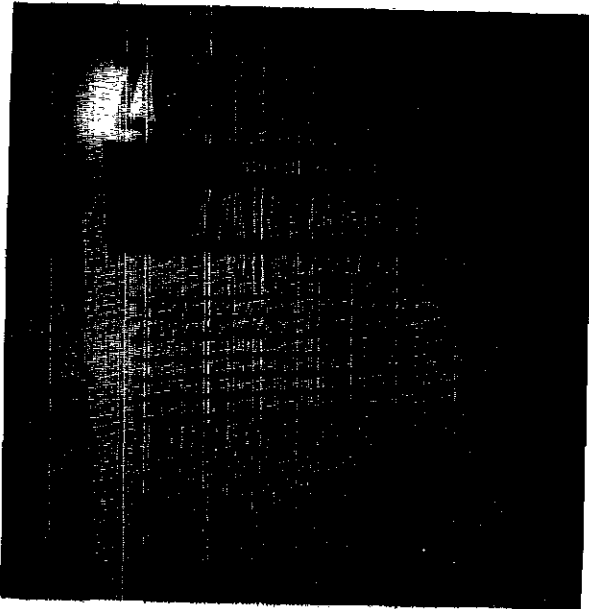

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 388 -A

Address 5 RIGHT ELEVATOR DR.

Contact Person: J. Meppay
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4.16.98

Posting Date: 4.26.98

Closing Date: 5.11.98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

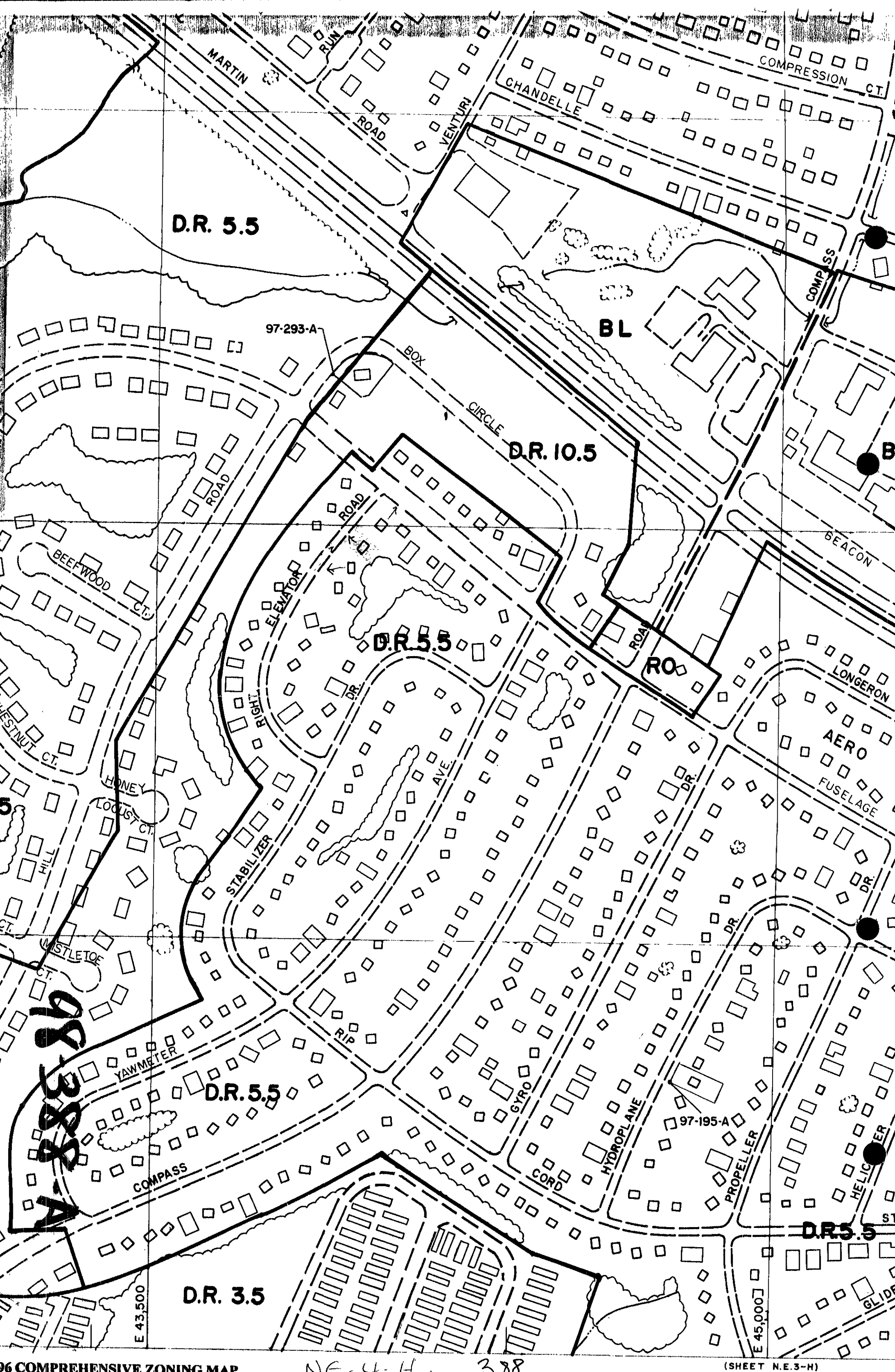
Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 388 -A Address 5 RIGHT ELEVATOR DR.

Posting Date: 4.26.98 Closing Date: 5.11.98

Wording for Sign: To Permit A SIDEYARD SETBACK of 3ft.
IN LIEU OF THE REQUIRED 8ft. FOR AN
ADDITION -



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5 RIGHT ELEVATOR DR

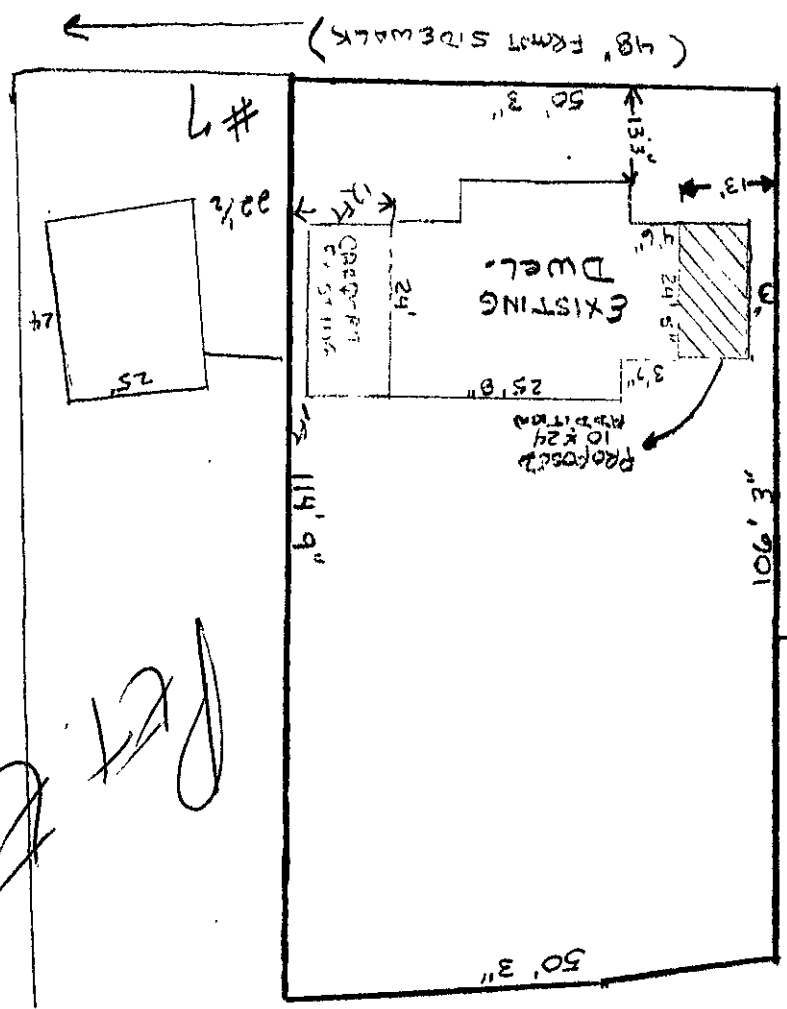
Subdivision name: Victoryville

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: William Davidson

3

see pages 5 & 6 of the CHECKLIST for additional required information



RIGHT ELEVATOR DR

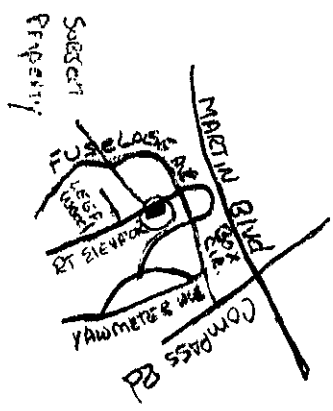


North

date: 2-25-98

prepared by: Hutch

Scale of Drawing: 1" = 20'



Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District: 5

1"=200' scale map#: NE-4H

Zoning: DR-55

Lot size: 127 5500
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ YES ☐ NO

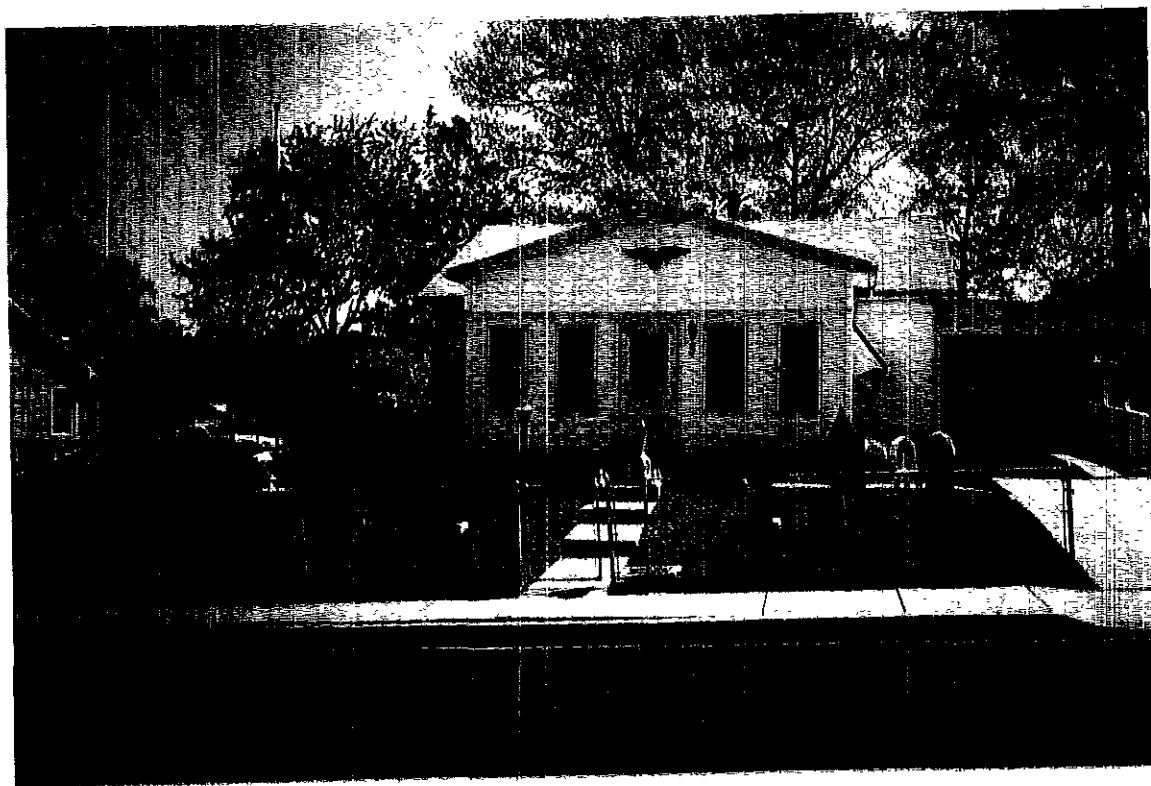
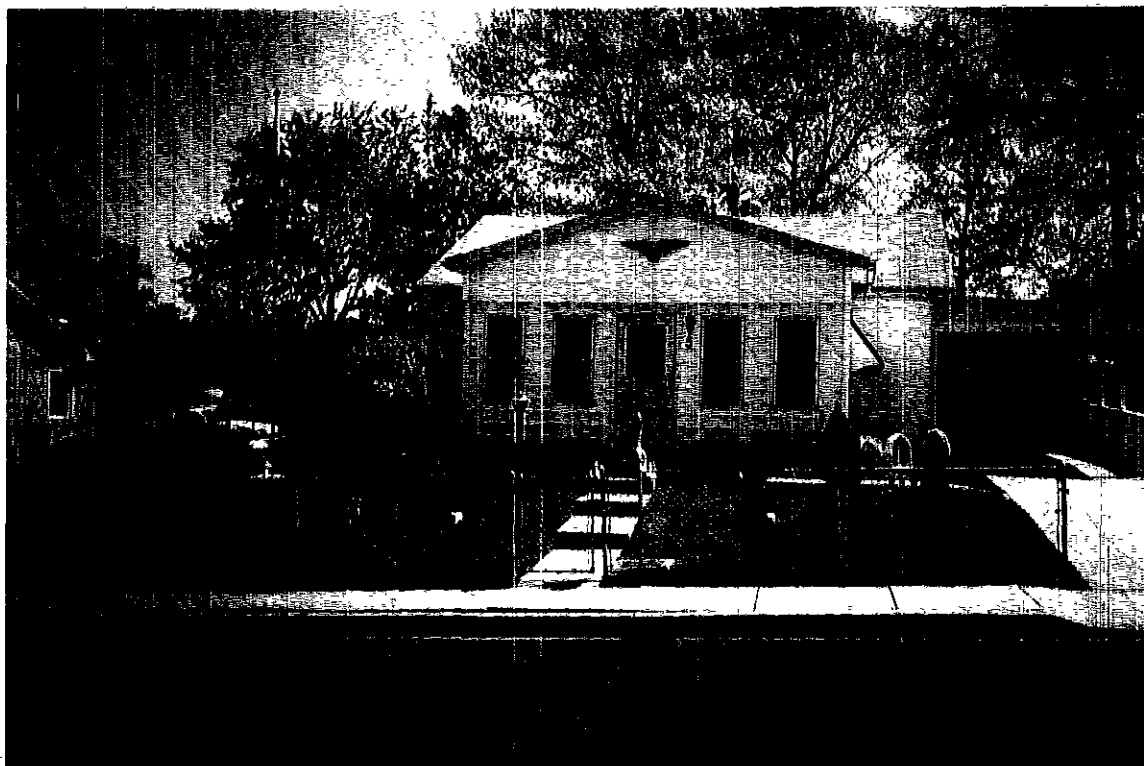
Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

Jim 9388

98.388-A



98-388-A



98-388-A



1333 A

389

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION MIDDLE RIVER	SHEET N. E. 4-H

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401